1930

Department of Land Rev Sett

OFFICE Bd of Rev

STATION Madras

Mis No. 3455

3455

Dated 20 - 1 - 30

To whom sent

Pages in the file

Date

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(SUBJECT.)

Alienation Land Co.
Udipi Dt Mudanidambur.
Dakshina Kanara Board
(Mr) Ms Nellai

* Not to be filled in in the case of permanent records.

R.O.C.No. 9752/30-A.6. South Kanara Collector's Office,

Camp Coondapur, 28th October '30.

B5627

From

W.Wells, Esquire, M.A., I.C.S.,

Collector of South Kanara.

To

The Secretary to the Board,

Land Revenue and Settlement, Madras.

Sir,

Alienation - Land - Udipi taluk - Mudanidambur village - Town limits - used by the Taluk Board as a taxi stand - whether alienation permissible - instructions solicited.

Enquiry shows that a portion of Government land situated within the town limits of Udipi is being utilised by the Taluk Board, Udipi, for a taxi-stand. The land stands registered as assessed waste and adjoins a road. In their order No.Misc. 1641 L. & M., dated the 25th April 1930, communicated with B.P.Misc.No. 2605, dated the 4th September 1930, Government held that under the provisions of the Madras Local Board's Act, 1920, no Union or Taluk Board can provide bus stands or levy fees for their use. The plot in this case is not used as a motor bus stand, but as a taxi-stand. I request to be informed whether the above order is applicable to a taxi stand as well.

Your obedient servant,

A Ambuania
29/10/30.

for Collector.

29.10.30

Alienation.- Land (South Kanara)- Udipi taluk- Mudanidambur village- Taxi stand by Taluk Board -Orders passed.

B 5627 Q to S.Kanara and A to other Collrs.& Govt.

Resolution (Misc) 3455 20.11.30

The instructions contained in G.O.1641 L & M., dated 25-4-1930 were based on the provisions of the Madras Act XIV of 1920. But under ~~the amended~~ as amended by S.15 3 section ~~of~~ 184 of Madras Act XI of 1930 a panchayat can provide and maintain a "cart stand which includes a stand for riages." Motor buses and taxis e under the definition of 'carriage' en in section 3(4) of Act XIV of O. In areas for which there are panchayats the Taluk Boards can vide cart stands and levy fees Vide the 2nd proviso to the amended Section 5 of Act XI of 1930.. The Board therefore considers that ~~the provisions of~~ under the new Act ~~permit~~ Taluk Boards can provide ~~to permit maintain~~ a ~~taxi~~ stand.

E/100 19/11/30

20-11-30

20-11-30

To the Collr. of South Kanara.
Copy to other Collrs..
" the Secy. to Govt. L.S.G.Deptt.

Please keep copy for stock file.

20.11.30.

21/11/30

MI
S
AS.(L.R.)
(with a book)

ALIENATION - Land - (S.Kanara) - Udipi Taluk - Mudanidambur village Town limits - Taxi stand for Taluk Board.

B.5627 pp. 1 c.f.

To A.S.(L.R.)

Pleases see the Collector's letter at p. 1. c.f.

2. In their order No.1641 L & M dated 25th April 1930 Govt. held that no Union or ~~Talk~~ Taluk Board can provide Bus Stands or levy fees for their use as the provisions of the Madras Local Boards Act 1920 do not permit it. Section 84(1) of the Act empowers Taluk Boards to provide and maintain public landing places, halting places and cart stands and permits levy of fees for the use of the same. Cart is defined as any wheeled vehicle which is not a "Carriage". As motor omnibuses, motor cars etc., come under the definition of "Carriage", Govt. have held that no Taluk Board or Union Board could provide a bus stand. In the present case the

(N)

p 417 of the Supplement to Mad vas code. (An extract put up at (C))

p. 374, do (An extract put up at (C))

Taluk Board is utilising a portion of Govt. land within the town limits of Udipi for a taxi stand. "Taxi" ~~ux~~ comes under the category of "Carriage". The old ~~Act~~ XIV of 1920 has been amended by the new Local Boards Act (Act XI of 1930). In the new Act, Sec. 184 has been amended. Clauses 1 and 2 ~~has~~ as amended stand as follows:-

184(1) "The Panchayat may construct, or provide, and maintain public landing places, halting places, and cart stands and may levy fees for the use of the same.

(2) A statement in the chief vernacular of the locality of any fees prescribed the Panchayat for the use of such place shall be put up in a conspicuous part thereof.

Explanation. A cart stand shall for the purposes of the Act include a stand for carriages and animals.

As the amended Act stands, the Taluk Board cannot provide a taxi stand as the provisions of the new Act do not permit it. The Section and the explanation

appended thereto specifically prohibits the Taluk Board from providing a bus or a taxi stand.

For orders whether the Collector may be informed accordingly. It seems unnecessary to address Govt. in the matter.

EoKs
7/11/30
8.11.30

Office.
Please put up the Amending Act XI of 1930.
10/11/30

Jo A.S.(LR)
Submitted herewith
EoKs
11/11/30
11.11.30

In the Amending Act which repeals the Madras Village Panchayat Act 1920 ~~panchayat~~ panchayat has been defined as a body constituted for the local administration of a village under Sub-Section (1) of Section 6 or under the amended Section 184 ~~only~~ a panchayat can provide and maintain a 'cart stand' which includes a stand for 'carriages'. Motor buses come under the definition of carriage given in S-3(4) of Mad Act IV of 1920. Please see also Section

1 put up.

p 68 Do.

1 p 374, Supplement to Madras Codes.

which was brought into force from 4-8-1930 of the Amending Act) under the 2nd proviso (the Taluk Board shall exercise the powers and discharge the duties of the panchayat where there is no panchayat in any part of a taluk

p 6 of the Act put up.

From the above provisions it is seen that panchayats can provide cart stands (which include carriage stands) and levy fees while in areas for which there are no panchayats, the Taluk Board can provide cart stands and levy fees.

It seems clear that the Tk. Bd. can provide stands for "carriages" - I cannot see that a tati is not a carriage

A-III/14.11.30.

The position before the Amending Act was brought into force is that indicated at (1). The Taluk Board could not provide a bus stand or levy fees for it now.

Inf.

17/11

11-11-30

5

JD AS.(RR)

Draft Submitted

AS(RR)

Draft

17.11.30

Ekm 2. It is proposed to mark a Dy. Copy to Govt & other Colls for information.

20.11.30

20.11.30.

20.11.30

1) Extract from Sect 184 of the Madras Local Board's Act of 1920

Sect 184 (1) The Taluk Board may Construct, or provide, and maintain public landing places, halting places and Cart-stands and may levy rents and fees for the use of the Same

(2) A Statement in English and a vernacular language of the District of any fees prescribed ~~for~~ by the Taluk Board for the use of Such place Shall be put up in a Conspicuous part of every Such place where they are leviable

Extract from Section 3 (4) of the Madras Local Board's Act 1920

Carriage includes any wheeled Vehicle with Springs or other appliances acting as Springs, and all kinds of motor-Cars, motor-lorries, motor-Omnibuses motor-cycles, bicycles, tricycles and motorcycles